others on different days. *Held*, that the defendant is guilty of eight separate offenses. *State* v. *Cotner*, 127 Pac. 1 (Kan.).

The distinction adopted in the principal case between continuing and divisible offenses depends on whether successive impulses are separately given. See 1 WHARTON, CRIMINAL LAW, 10 ed., § 27. That a series of mining operations, including several changes of workers and separate cuts, has been considered a single offense, suggests the inadequacy of the proposed criterion. *Regina* v. *Bleasdale*, 2 C. & K. 765. A distinction might more properly be based on whether the gravamen of the injury to the state lies in the accumulated total or in the successive elements. Thus the state may object to the desecration of the Sabbath and punish the carrying on of business without regard to the number of individual transactions. *Crepps* v. *Durden*, 2 Cowp. 640. Or the public health may be endangered by every piece of bad meat offered for sale, and each exposure, though all on the same counter, may be punished separately. *In re Hartley*, 31 L. J. Rep. N. S. 232. In the principal case both views are possible, either that the state regards each individual treatment as dangerous, or that the legislature merely seeks supervision of the practice of medicine, without assuming that every unlicensed practitioner is necessarily inefficient. The latter seems to be indicated, however, by the peculiar wording of the statute. Thus the including of the mere use of a doctor's sign in the definition of the practice condemned seems to show that the status is punished as such.

ELECTIONS — RIGHT TO APPEAR ON BALLOT UNDER PARTY NAME. — Certain persons nominated for presidential electors at the state Republican primary accepted nominations for the same office from the Progressive party, and announced their intention of voting for the nominee of that party for President. The Republican State Committee, which was authorized by statute to fill vacancies on the ballot, nominated other men to take their places and asked a writ of mandamus to compel the secretary of state to certify these men as the nominees of the Republican party. *Held*, that the writ should be granted, since, the nominees having accepted an inconsistent office, their first position on the ballot is vacant. *State ex rel. Nebraska Republican State Central Committee* v. *Wait*, 138 N. W. 159 (Neb.). See NOTES, p. 351.

EQUITY — JURISDICTION — INJUNCTION BY MUNICIPAL CORPORATION OF PUBLIC NUISANCE. — The city of Pittsburgh obtained an injunction against the defendants' holding a meeting and making incendiary speeches in the street. Such meetings had formerly resulted in blocking the streets, disturbances, and breaches of the peace when the police tried to break them up. *Held*, that the injunction be dissolved. *City of Pittsburgh* v. *Van Essen*, 60 Pittsb. Leg. J. 711 (Pa., Allegheny Co. C. P., Oct., 1912).

A public nuisance may be enjoined at the suit of the proper public officer on behalf of the public, under such circumstances as would give a court of equity jurisdiction over a private nuisance. *People* v. *City of St. Louis*, 10 Ill. 351; *District Attorney* v. *Lynn & Boston R. Co.*, 16 Gray (Mass.) 242. A private person may obtain an injunction only if he shows special injury to his property or his substantial rights. *Hamilton* v. *Whitridge*, 11 Md. 128, 69 Am. Dec. 184; *Frink* v. *Lawrence*, 20 Conn. 117. A municipal corporation may have equitable relief on the same terms. *Borough of Stamford* v. *Stamford Horse R. Co.*, 56 Conn. 381; *Inhabitants of Springfield* v. *Connecticut River R. Co.*, 4 Cush. (Mass.) 63. But it is not such a representative of the state that it may sue instead of the attorney-general on behalf of the public, unless so provided by statute. *Township of Belleville* v. *City of Orange*, 70 N. J. Eq. 244, 62 Atl. 331; *Inhabitants of Needham* v. *New York & N. E. R. Co.*, 152 Mass. 61, 25 N. E. 20. In the principal case, therefore, the fact that no proprietary interest is shown is a sufficient ground for refusing the injunction. *State* v. *Ehrlick*, 65 W. Va.

700, 64 S. E. 935. Apart from this, the mere fact that the act committed is a crime would not defeat equity's jurisdiction. *Cranford* v. *Tyrrell*, 128 N. Y. 341, 28 N. E. 514; *Jones* v. *Van Winkle Gin and Machine Works*, 131 Ga. 336, 62 S. E. 236. Nor would the fact that the plaintiff has the right to use force by its executive powers preclude an injunction if irreparable loss would follow from the use of force. *In re Debs*, 158 U. S. 564, 15 Sup. Ct. 900. An injunction in such a case as is presented in the facts would probably be peculiarly effective. In general, however, courts of equity should be extremely reluctant to assume the functions of other branches of the government.

ESTOPPEL — ESTOPPEL IN PAIS — FAILURE TO ACT. — The defendant's name was forged to a telegram purporting to make a contract with the plaintiff. On learning of this, the defendant stated to the plaintiff that he would neither admit nor deny liability on the contract. *Held*, that, even assuming a duty to speak, the defendant is not here estopped to deny the contract, because there was no resultant injury to the plaintiff. *Wiggin* v. *Browning*, 23 Ont. Wkly. Rep. 128 (Divisional Ct.). See NOTES, p. 349.

EVIDENCE — DECLARATIONS CONCERNING MATTERS OF PUBLIC OR GENERAL INTEREST — PRIVATE BOUNDARIES: ADMISSIBILITY OF DECLARATIONS AS PROOF. — In an action of ejectment the rights of the parties depended on a disputed boundary line. The plaintiff offered evidence of what a person, since deceased, who had lived on the land, had said with reference to the location of the line. It did not appear that the declarant had any particular duty or interest in acquiring such information. *Held*, that the evidence is inadmissible. *Smith* v. *Stanley*, 75 S. E. 742 (Va.).

At common law the recognized public or general interest exception to the hearsay rule admitted, to prove boundaries, only declarations as to matters of general reputation in regard to public boundaries. *Queen* v. *Bliss*, 7 A. & E. 550; *Hall* v. *Mayo*, 97 Mass. 416. In some American jurisdictions the courts have made a twofold extension of the exception by admitting hearsay evidence as to private boundaries of particular facts known or acts done by the declarant himself, on the grounds of the necessary lack of other evidence in the early history of American communities. *Martin* v. *Folger*, 15 Cal. 275; *Harriman* v. *Brown*, 8 Leigh (Va.) 697. It has been suggested that the American rule is traceable to the older English rule in regard to private prescription. See 13 HARV. L. REV. 56. The fact that the declarant is in effect an unsworn witness testifying of his own knowledge has led to several clearly defined limitations. The declarant must be dead and have had no motive to misrepresent. *Scarfe* v. *Western North Carolina Land Co.*, 90 Fed. 238. See *Barrett* v. *Kelly*, 131 Ala. 378, 384, 30 So. 824, 826. The rule of *ante litem motam* also applies. *Hamilton* v. *Smith*, 74 Conn. 374, 50 Atl. 884. See 15 HARV. L. REV. 673. The further limitation of the principal case that the declarant must stand in reference to the land so as to have made it his duty or interest to obtain accurate information seems also a reasonable qualification. *Clements* v. *Kyles*, 13 Gratt. (Va.) 468; *Fry* v. *Stowers*, 92 Va. 13, 22 S. E. 500.

FIXTURES — TRADE FIXTURES — WHAT FIXTURES ARE REMOVABLE. — The defendant removed from the front of a store leased from the plaintiff plate-glass windows and marble trimmings which he had attached by screws. The California Code allows removal of a fixture if it "can be effected without injury to the premises, unless the thing has . . . become an integral part of the premises." *Held*, that the plaintiff may recover. *Alden* v. *Mayfield*, 127 Pac. 44 (Cal.).